

[Code of Federal Regulations](#)

[Title 40. Protection of Environment](#)

[Chapter I. Environmental Protection Agency \(Refs & Annos\)](#)

[Subchapter D. Water Programs](#)

[Part 142. National Primary Drinking Water Regulations Implementation \(Refs & Annos\)](#)

[Subpart F. Exemptions Issued by the Administrator](#)

40 C.F.R. § **142.50**

§ 142.50 Requirements for an exemption.

[Currentness](#)

(a) The Administrator may exempt any public water system within a State that does not have primary enforcement responsibility from any requirement regarding a maximum contaminant level or any treatment technique requirement, or from both, of an applicable national primary drinking water regulation upon a finding that—

(1) Due to compelling factors (which may include economic factors, including qualification of the public water system as a system serving a disadvantaged community pursuant to section 1452(d) of the Act), the public water system is unable to comply with such contaminant level or treatment technique requirement or to implement measures to develop an alternative source of water supply;

(2) The public water system was in operation on the effective date of such contaminant level or treatment technique requirement, or for a public water system that was not in operation by that date, no reasonable alternative source of drinking water is available to such new public water system;

(3) The granting of the exemption will not result in an unreasonable risk to health; and

(4) Management or restructuring changes (or both), as provided in § 142.20(b)(1)(i), cannot reasonably be made that will result in compliance with the applicable national primary drinking water regulation or, if compliance cannot be achieved, improve the quality of the drinking water.

(b) No exemption shall be granted unless the public water system establishes that the public water system is taking all practicable steps to meet the standard; and

§ 142.50 Requirements for an exemption., 40 C.F.R. § 142.50

- (1) The public water system cannot meet the standard without capital improvements which cannot be completed prior to the date established pursuant to Section 1412(b)(10) of the Act;
 - (2) In the case of a public water system which needs financial assistance for the necessary improvements, the public water system has entered into an agreement to obtain such financial assistance or assistance pursuant to Section 1452 of the Act, or any other Federal or State program that is reasonably likely to be available within the period of the exemption; or
 - (3) The public water system has entered into an enforceable agreement to become a part of a regional public water system.
- (c) A public water system may not receive an exemption under this subpart if the public water system was granted a variance under Section 1415(e) of the Act.

Credits

[63 FR 43847, Aug. 14, 1998]

AUTHORITY: [42 U.S.C. 300f](#), [300g–1](#), [300g–2](#), [300g–3](#), [300g–4](#), [300g–5](#), [300g–6](#), [300j–4](#), [300j–9](#), and [300j–11](#).

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